

Application No. 10/823,203
Amendment Transmitted November 22, 2005
Reply to Office Action Mailed August 23, 2005

REMARKS/ARGUMENTS

In this paper claim 8 is amended, and claims 1-7 and 9 are cancelled. Claim 11 is in original form. Claims 8, 10 and 11 remain pending in this application.

Objection to the Drawings

The Office has objected to the drawing filed on June 9, 2005 because the top panel of Figure 2 does not have sequence identifiers as does the bottom panel of the figure and it appears that the sequences shown in both panels do not correlate with each other. Applicant wishes to clarify that the bottom panel is a continuation of the top panel and each sequence on the top panel correlates with and continues the sequences shown in the bottom panel. Thus, the top panel has nine sequences: Aedes, Anopheles, rat, human, DmSCP-X, CG11151, CG12269, nematodes and yeast, plus the representative consensus sequence. Each of these sequences is represented in the bottom panel in the same order with the SEQ ID NO found at the right of the panel. This format may be further confirmed by reference to the sequence listing. Therefore, the applicants believe the objection is in error and should be withdrawn.

Claim rejections under 35 U.S.C. § 112, first para.

In the Office Action, claims 8-11 were rejected under §112, first paragraph, as failing to enable the full scope of the claims. In particular, the Examiner stated that the recited term "biological activity" in the context of AeSCP-2, is unpredictable. As amended herein, claim 8 now recites "cholesterol binding activity." Specific support for the amendment is found in the specification in the passage spanning page 29, line 22 to page 30, line 20 and page 36, lines 18-

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23. In particular, investigations examining AeSCP-2's role in binding cholesterol were performed using radiolabeled cholesterol and the recombinant AeSCP-2 peptide. The result of this experiment is shown in FIG. 6, illustrating the high binding affinity that AeSCP-2 has for cholesterol. Thus, the claim now recites an activity directly attributed to the recited polypeptide. No new matter has been added by way of this amendment. Thus, the rejection should be withdrawn and Applicant respectfully requests same. Further, applicants note that claim 10 does not contain reference to the rejected term "biological activity" and there being no discussion in the Office Action with regard to its rejection, remains unamended from the previous office action.

Claim rejections under 35 U.S.C. § 112, second para.

Claims 8-11 were rejected under § 112, second paragraph, as being indefinite as to the subject matter claimed with regard to the term "biological activity." As noted above, claim 8 has been amended herein to recite "cholesterol binding activity." Thus, a definite activity is presently recited and one of skill in the art would immediately discern same. Specific support for the amendment is found in the specification in the passage spanning page 29, line 22 to page 30, line 20 and page 36, lines 18-23, as described in detail in the above section. No new matter has been added by way of this amendment. Thus, the rejection has been overcome and should be withdrawn, applicant respectfully requests same.

CONCLUSION

In light of the amendments and arguments presented herein, Applicant respectfully requests reconsideration and a timely Notice of Allowance to follow in this case. If applicant misunderstands the Office Action's silence with respect to the basis of rejection of claim 10,

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clarification would be much appreciated. Applicant asks the Examiner to telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present case. The Commissioner is authorized to charge any additional fees or underpayment of fees regarding this response, including extensions for reply, to Deposit Account 07-1509.

Respectfully submitted,

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